

IN THE SUPREME COURT OF THE STATE OF DELAWARE

PETER MALTBY,	§	
	§	No. 576, 2009
Defendant Below,	§	
Appellant,	§	Court Below—Court of
	§	Chancery of the State of
v.	§	Delaware
	§	
SECURITY NETWORKS, LLC,	§	
	§	
Plaintiff Below,	§	C.A. No. 2939
Appellee.	§	

Submitted: November 2, 2009

Decided: November 17, 2009

Before **BERGER, JACOBS** and **RIDGELY**, Justices.

ORDER

This 17th day of November 2009, upon consideration of the Clerk's notice to show cause, the appellant's response to the notice and the appellee's answer to the appellant's response, it appears to the Court that:

(1) In this appeal from an action in the Court of Chancery, the defendant-appellant, Peter Maltby, has appealed a master's order granting a default judgment in favor of the plaintiff-appellee, Security Networks, LLC. By notice dated October 2, 2009, the Clerk directed that Maltby show cause

why the appeal should not be dismissed for this Court's lack of jurisdiction to consider an appeal from an order entered by a master.¹

(2) Maltby contends that the master's order in this case is appealable. According to Maltby, the order ripened into an appealable judgment by operation of Court of Chancery Rule 144(a)(2). Court of Chancery Rule 144(a)(2) provides that an unopposed master's order is "deemed final" and "shall have the same effect as though ordered by a Chancellor or Vice Chancellor" upon the expiration of the time periods for taking an exception to the order.

(3) Maltby is mistaken. The provision under Court of Chancery Rule 144 for adopting an unopposed master's order is not sufficient to confer appellate jurisdiction of a matter upon this Court.² The appellate jurisdiction of this Court is limited to orders, rulings, decisions or judgment of judges.³ A master's report or order that has not been subject to "meaningful judicial review, including approval or disapproval with the reasons therefore," is not deemed a final judgment for the purpose of appeal to this Court.⁴

¹ Del. Supr. Ct. R. 29(b).

² *Redden v. McGill*, 549 A.2d 695 (Del. 1988).

³ *DiGiacobbe v. Sestak*, 743 A.2d 180 (Del. 1999).

⁴ *Redden v. McGill*, 549 A.2d at 698.

(4) Judicial review of a master’s order is by a judge of the Court of Chancery.⁵ A party seeking judicial review of a master’s order must “take exception” to the order in accordance with Court of Chancery Rule 144(a)(1). A party that does not file a notice of exception “shall be deemed to have waived the right to review.”⁶

(5) In this case, Maltby did not take exception to the master’s order granting a default judgment to Security Networks. Having failed to seek judicial review of the master’s order by a judge in the Court of Chancery, Maltby is precluded from seeking appellate review in this Court.⁷

(6) Security Networks requests that, in the event of dismissal, the Court remand this matter to the Court of Chancery for entry of “a default judgment directly from the Vice Chancellor.” There is no basis, however, to remand this matter for further proceedings. The master’s order became final

⁵ *DiGiacobbe v. Sestak*, 743 A.2d 180. *Accord Div. of Child Support Enforcem./Smith v. Neal*, 687 A.2d 1324, 1325 (Del. 1997) (noting that a request for review de novo is the “sole remedy of any party with respect to a Master’s written order”).

⁶ Del. Ct. Chan. R. 144(a)(1).

⁷ *DiGiacobbe v. Sestak*, 743 A.2d 180. *Accord Johnson v. State*, 884 A.2d 475, 478 (Del. 2005) (providing that “this Court has held that our appellate jurisdiction is limited to reviewing orders entered by judges”); *Div. of Child Support Enforce./Smith v. Neal*, 687 A.2d at 1325 (providing that “[a] judgment derived from a Master’s written order shall have the same force and effect as any other judgment of the Court, except that it shall not be subject to appeal”); *Church v. State*, 2008 WL 2691018 (Del. Supr.); *Carr v. Div. of Family Serv.* 2007 WL 2677435 (Del. Supr.); *Waples v. Div. of Child Support Enforcem.*, 2005 WL 1653768 (Del. Supr.); *Richmond v. Div. of Family Serv.*, 1999 WL 734725 (Del. Supr.).

and enforceable as a judgment in the Court of Chancery upon the expiration of the time periods set forth in Court of Chancery Rule 144(a)(2).⁸

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Supreme Court Rule 29(b), that the appeal is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice

⁸ Del. Ct. Chan. R. 144(a)(2). *Accord Div. of Child Support Enforce./Smith v. Neal*, 687 A.2d at 1325 (providing that “[a] Master’s written order shall become an enforceable judgment of the Court . . . after the time for requesting a review de novo has expired without any such request”).